

REMARKS**Introduction**

Receipt is acknowledged of a non-final office action dated August 22, 2006. In the action, the examiner rejected claims 22, 45 and 46 for allegedly failing to comply with the written description requirement.

Status of the Claims

In this amendment, applicant cancelled claims 22-24, 45 and 46. Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

Upon entry of this amendment, claims 1-10, 16, and 18-21, 25-44, and 47-50 will be pending.

35 U.S.C. § 112, 1st paragraph

Claims 22, 45 and 46 are rejected under 35 U.S.C. § 112, 1st paragraph because the specification allegedly does not provide literal or implicit support for the IGF molecules in these claims. Applicant respectfully disagrees.

As stated in Applicant's last response, the specification specifically states that "[t]he patents, patent applications, and publications cited throughout the disclosure are incorporated herein by reference in their entirety." Paragraph [0034]. Thus, the disclosure in the Cascieri, Bayne, and Baxter references referred to in paragraph [0005] provide written description support for the null IGFs recited in claims 22, 45 and 46. Amended paragraph [0005] submitted in this response reflects this as well.

Although the Office indicates that 37 C.F.R. 1.57(c) prohibits incorporation by reference to essential subject matter using non-patent literature, applicants respectfully assert that the information incorporated by reference does not fall within the definition of "essential material" provided by the C.F.R. As previously provided, the present invention is directed to methods for slowing the growth rate of a tumor or slowing the progression of cancer comprising administering uncomplexed null IGF-I. The present invention is based on the discovery that any null IGF-I, administered in the absence of IGFBP-3, has these anti-cancer

benefits. The present invention, however, is not based on the discovery of new null IGF compounds. Therefore, the material being incorporated by reference relates to specific null IGFs already known in the art and the application specifically indicates that the IGF-I variants in the Cascieri, Bayne and Baxter references are suitable for use in the present invention.

Nevertheless, in the interest of expediting prosecution, applicants cancelled claims 22-24, 45 and 46, thereby rendering this rejection moot.

CONCLUSION

Applicant submits that this application is in condition for allowance and solicits an early indication to that effect. Should the Examiner believe that further discussion of any remaining issues would advance the prosecution, a telephone call to the undersigned is courteously invited.

It is acknowledged that the foregoing amendments are submitted after final rejection. But because the amendments do not introduce new matter or raise new issues, and because the amendments either place the application in condition for allowance, entry thereof by the Examiner is respectfully requested.

Respectfully submitted,

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FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

By 

Beth A. Burrous
Attorney for Applicant
Registration No. 35,087